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SAMUEL DICKSON.

(Read December 1, 1916.)

I have been asked to present a paper commemorative of our late associate, Samuel Dickson. It is hard to realize that he is dead. We have seen him in this hall so often that his present appearance in yonder doorway would not seem unnatural. Whenever he entered our assembly all eyes turned towards him instinctively. His tall form, his almost majestic mien, his white hair, his shaggy eyebrows, his carefully trimmed beard and his air of distinction compelled attention. I recall that when Nansen, the Arctic explorer, was addressing us, it so happened that Mr. Dickson, Senator George F. Edmunds and Admiral Melville sat side by side in the front row, and as I looked at these leonine men I realized what the Gauls must have felt when first they saw the Roman Senate.

Mr. Dickson was a marked man intellectually. Whatever he said, whatever he wrote attracted attention. Judge McPherson has put it in the happiest way:

“And who wrote better English? Everything to which he set his pen had a certain distinction about it, a crisp and vivid handling, a happy turn of phrase, the choice of the inevitable word. He possessed that indefinable something we call the literary touch, the atmosphere of refinement, of abounding knowledge, of quiet power, of balanced judgment, of unfailing good taste, that can never be acquired as one acquires a mechanic art. . . . It was a keen pleasure to hear him talk even in the casual ease of familiar speech; it was a delight to read anything he took the trouble to write, for he wrote nothing carelessly, but was at pains to leave his admirable stamp upon correspondence and minute and formal address alike. We have all enjoyed and profited by his too rare letters upon public questions, and were always sure that the familiar (S. D.) at the end was a guaranty of thoughtful, lucid discussion, always adorned by the grace of expression, and often illumined by the lambent play of irony or humor.”

Mr. Patterson of the Pittsburgh bar, who has succeeded Mr. Dickson as chairman of our State Board of Law Examiners, said of him:

"As you came in contact with him you felt that atmosphere—I hardly know how to describe it. It was more like the fabled breeze that did not come from the haunts of men. Tennyson, you remember, described the wind that blows all day in a land 'where no man is or hath been since the making of the world.' That expresses my thought somewhat of something which is entirely apart or free from any stain or taint of other things or of personality. Farther even would he go than those of us who were with him could go, and never once did he falter in the integrity, clearness and the forcibleness of his conclusions."

Hon. John Bassett Moore said of him:

"Always abreast of the times, eagerly noting the latest developments in science, in industry and in politics, it may be said that he made almost daily excursions into the fields of history and literature. He did not, indeed, figure in the category of omnivorous readers, who devour voraciously whatever falls in their way, good and bad. His mind was too delicately and sensitively organized for such a feat. He was singularly discriminating. The worthless he instinctively rejected, but there was little of real and permanent value that escaped him. As a result it was always a delight to talk with him, and his interlocutor never went away emptyhanded. On the contrary, although he might feel a sense of hunger rather than of satiety, he could at any rate affirm in the felicitous phrase of Dryden, that he had 'not wanted sweet discourse, the banquet of the mind.'"

Mr. J. Levering Jones, one of Mr. Dickson's colleagues in the board of trustees of the University of Pennsylvania, said of him:

"There was a delicate austerity in his sense of honor. Deviation from intellectual or legal rectitude was intolerable to him. Upon a question where either was involved, he made no argument. He would simply make a gesture and render a decision. . . . He possessed a native dignity of manner, but mingled with it an unaffected modesty. This gave him the fortunate faculty, in the discussion of moral questions, of separating himself from the subject under consideration. What he said, therefore, became charged with an unusual and invincible force. He rested, in such observations, upon simple and eternal principles. He conveyed no idea of personal relation to them. As a declarant or analyst he was only dealing with ethical and spiritual matters."

Mr. C. Stuart Patterson said of him:

"He was a man of strong convictions, and he never was lacking in the courage needed for their expression, and yet he was exceptionally broad-minded and tolerant of differences of opinion, and he could always see and do full justice to the merits of the opposing view. He was by temperament conservative; yet, even in his later years, his conservatism was not the unreasoning conservatism of old age, but it was an intelligent conservatism based upon an accurate knowledge of existing conditions, and a just estimate of the probable results of proposed innovations. In social intercourse Mr. Dickson

was one of the most delightful of companions. His reading had been wide and varied, and he had thought much as to that which he had read. His talk was

““ Rich with all treasure updrawn from the crypt
Where lies the learning of the ancient world.””

Former Chief Justice Mitchell said:

“ Mr. Dickson was naturally a scholar, a student. In his younger years he might even have been called a bookish man. In that way he laid a foundation of theoretical knowledge, which fortunately for him and for us, quite early in life was supplanted by an equipment which is derived nowadays from what might be called business colleges. He developed a practical quality that never was surpassed by any of his contemporaries. Yet, with all the years devoted to the most important litigation, he never quite forgot his natural bent of scholarship. . . . Naturally a student, he became as active and as accomplished a man of affairs as the Philadelphia Bar possessed.”

Chief Justice Brown said:

“ A prince in our Israel has fallen. Full of years and full of honors he has gone to his fathers in peace. His hoary head was a crown of glory, for his ways were ways of righteousness. . . . Samuel Dickson was a good man, whose memory is precious to all who knew him. He was singularly faithful to every duty that came to him; he was cultured and refined; he was an upright citizen, a very learned lawyer and a Christian gentleman.”

I have culled these tributes and these discriminating and penetrating analyses of his character from the Proceedings of the Meeting of The Philadelphia Bar, held June 7, 1915, and placed them side by side because they give you a complete picture of the man. It only remains for me to give you a sketch of his active life.

He was born at Newburgh, New York, February 2, 1837, and came when a lad to the city of Philadelphia, comparatively unknown, and with no advantage of local relationships. His school days were spent in the Classical Institute of the Rev. John W. Faires, the best teacher of his time in preparing boys for college. He entered the Arts Department of the University of Pennsylvania in 1851, and graduated in 1855 with the degree of B.A. Registering as a student of law in the office of Constant Guillou, Esq., he was admitted to the bar in October, 1858, supporting himself during this term of three years by acting as first assistant in the school of Dr. Faires, instructing the highest classes in Greek and Latin, and to the end of his days his Homer and his Horace were as familiar to his

pen and tongue as Shakespeare, Wordsworth, Byron and Keats. While waiting for practice he devoted himself for two years to editorial labors upon *The Age*, the then leading Democratic newspaper published in Philadelphia. The skill and the experience he there acquired gave him "the pen of a ready writer," an accomplishment he never lost. In December, 1860, he became the librarian of the Law Association of Philadelphia as the successor of the scholarly bibliophile, John William Wallace, who later became the reporter of the decisions of the Supreme Court of the United States and still later president of the Historical Society of Pennsylvania. From the old folios and black letter octavos illustrating the growth of the English Common Law, collected largely by Mr. Wallace, Mr. Dickson acquired that knowledge of legal bibliography and that taste for legal history which in after years contributed so largely to the matter and manner of his forensic discussions.

From the fate of the bookworm and the meager salary of a librarian he was snatched in 1865 by the discernment of that incomparable business man's businesslike lawyer John C. Bullitt, who appreciated the learning and legal ability of younger men, and had need of a partner so equipped. Thus Mr. Dickson was, quite early in life, introduced to business associations, which later he came to command. The law partnership thus formed in 1865 lasted until Mr. Bullitt's death in 1902. A third partner was admitted in the interim in the person of Richard C. Dale, whose untimely death in 1905 deprived the profession of one of its most conspicuous ornaments and buttresses of strength. He then organized the present firm of Dickson, Beitler and McCouch. He served as a member of the committee of censors of the Law Association of Philadelphia from 1873 to 1890 and was a stern upholder of the purity of legal ethics. He served again in this position from 1872 to 1896, when he became the vice-chancellor of the Association, serving for three years, when he was elected chancellor and held the place by successive annual re-elections for ten years, a term of service exceeded only by Mr. Wm. M. Meredith and Mr. George W. Biddle out of a list of ten predecessors, and which, under the present by-laws, can never again be equaled. He served his alma mater as a trustee of the University of Pennsylvania for a period of thirty-three years—from 1881 until

his death—having been a member of the Law Committee since 1882, chairman of that committee since 1896, and a member of the Finance Committee since 1894.

In 1895 he acted as chairman of a committee of twenty-one leaders of the bar from all parts of the commonwealth which organized the Pennsylvania Bar Association, and was chosen its second president. His address as president, upon "The Development in Pennsylvania of Constitutional Restraints upon the Power and Procedure of the Legislature," was as notable as a historical treatise upon our constitutional growth as it was admirable for the clearness and vigor of its views. After yielding his presidency he did not, as so many ex-presidents did, lose interest in the work, but continued his active relationship to the Association, and in 1902, largely at his instance, and because of his character, which was a sufficient surety against unfair or arbitrary discrimination in the exercise of new and unusual powers, the Supreme Court created the State Board of Law Examiners of five members, and appointed him a member. He immediately became its chairman and remained in that position until his death. His successor as chairman has described him exactly: "Though thus the central figure of that organization and the representative of the Bar of the state, he impressed one strongly with the fact of his complete ignorance of his being the one or the other. He moved among us as quietly and as gently, as inconspicuously, as a tyro. It was an achievement. It was something out of the way to see one who was so great pass so quietly and modestly among us."

In June, 1907, he was appointed by the board of judges a member of the board of directors of the City Trusts of Philadelphia charged specifically with the practical administration of the estate of Stephen Girard, and served that most splendid of municipal charities with active and well-informed zeal until the close of his life. He was a manager of the Wistar Institute of Anatomy and Biology, founded by the munificence of our own former president Isaac Wistar. He sat as director in the boards of fifteen corporations, among which were the Lehigh Coal and Navigation Company, The Lehigh and New England Railroad Company, The Lehigh and Wilkes-Barre Coal Company, The Lehigh Navigation Electric

Company, The Fourth Street National Bank, and The Corn Exchange National Bank. The mere mention of these names is sufficient to attest the magnitude and importance of their interests. He was also a member of no less than thirty literary, social, scientific and charitable associations, of which The Shakespeare Society, The Mahogany Tree Dining Club, The Lawyers' Club, The Legal Club, The American Bar Association, The Down Town Club, and The Triplets are deserving of particular mention. During the life time of Judge Sharswood, he was a member of a small but choice coterie especially interested in the study of political economy, among whom were the late E. Coppee Mitchell and James Parsons, both of whom were subsequently in the faculty of the Law School; and he was also interested in the literary studies of the English poets of the Lake School conducted by the late Asa I. Fish, a man of "fragrant memory," to use an old but expressive phrase.

His relations to the American Philosophical Society date from his election as a member April 18, 1884. He served as councillor during the years 1906-08, 1910-12, and 1914-15. He also, from time to time, served on important committees, notably the one charged with the arrangements of the Franklin Bi-Centennial. He was elected to the Wistar party in 1887 and was chairman of its executive committee from 1902-1909, in which latter year he succeeded Henry Charles Lea as Dean, and served in that office until his death. As a host he was charming, radiating hospitality and warmth.

Mr. Dickson was a widely travelled man both in Europe and America. One who knew him well wrote:

"He had a wonderful remembrance of the places visited and could lay out from memory an itinerary for a friend in Italy or Switzerland which was practicable in every detail. His travels in Greece were the subject of a delightful address delivered at the University of Pennsylvania. Music he loved, and the theater and his recollections of the great singers and actors made an interesting part of his many-sided conversation."

I myself recall a scene of my law student days, when on visiting the Catskills I saw Mr. Dickson, then in his very prime, seated upon the broad ledge of rock, which jutted out over the valley in front of the Mountain House, in animated conversation with Mr. Justice

Bradley of the Supreme Court of the United States; the venerable Chief Justice Beasley of New Jersey, George Harding, the famous patent lawyer who had won the Morse Electric Telegraph case, and the McCormick Reaper case, and the quaint old-fashioned Asa I. Fish, who was physically the counterpart of Mr. Pickwick, and mentally his exact opposite. It was an unusual company for a law student to join, and I listened to a discussion of the famous Slaughter House Cases, but recently decided by the highest tribunal in the nation, where Justices Bradley and Field had dissented from the majority, a discussion which impressed me deeply, so animated had the debate become. Many years later I saw Mr. Dickson on the broad piazzas of the United States Hotel at Saratoga in conversation with E. J. Phelps, of Vermont, and Joseph H. Choate, both of them subsequently ambassadors to Great Britain, and grouped about them were Morefield Storey, of Boston, Simeon E. Baldwin, of Connecticut, judge, governor and publicist, and John F. Dillon, who left the federal bench to become a renowned advocate before the Supreme Court of the United States; James C. Carter, the greatest forensic jurist of his day, and Henry C. Hitchcock, of Missouri, an eminent disciple of the school of John Marshall. It is no wonder then that with such associates Mr. Dickson became "one of the honor men of the Bar of the United States." Indeed, it is known that when, through the death of Chief Justice Waite, a vacancy existed in the highest judicial office of the nation, President Cleveland seriously contemplated sending Mr. Dickson's name to the Senate, and nothing but a narrow view of his relationship as counsel to great corporations prevented his doing so.

It is as a leader of the Bar that he must be finally considered. Admitted to the Bar of Philadelphia in 1858, of all the men who were slightly his seniors in standing but seven survived him, and of the fifty-nine men who were admitted in the same year but two remained. This impressive fact, while in one sense indicating the average shortness and uncertainty of life, in another illustrated the persistency of his leadership. From 1776 to 1858—a period of eighty-two years—there were admitted to the Philadelphia Bar in all 2,786 men: at the time of his death there were 2,936 names upon the roll of living lawyers. This fact indicated the great growth in

Bar membership during the life time of Mr. Dickson, and emphasized not only the relative significance of his leadership, but the circumstance that to the vast majority of the present Bar he must have appeared as a venerable man. In truth, it is the prolonged life of a great leader that binds the generations and centuries of lawyers together. Just as Horace Binney bound his own generation of Sergeants and Chaunceys to that of William Lewis, Edward Tilghman and Jared Ingersoll—the leaders of the Old Bar, as Mr. Binney called them in his classic brochure of that title—and just as Mr. Wm. M. Meredith bound that of John M. Read, George Stroud, Eli K. Price and John Cadwalader to that of Mr. Binney, so Samuel Dickson has bound his own generation to that of George Sharswood, William Strong, R. C. McMurtrie, George W. Biddle, Furman Shepard and Theodore Cuyler. It is curious to note how long some of these overlapping lives have been, for while more than half a generation younger than Mr. Dickson, I can distinctly recall not only the forms and the features, but even the voices of Horace Binney, who was admitted to the Bar in 1800; of James J. Barclay and Henry J. Williams, who were admitted in 1815; of David Paul Brown, who was admitted in 1816; of William M. Meredith, who was admitted in 1817; and of Eli K. Price, who was admitted in 1822. Yet each man stood in his day and generation for certain distinct phases of legal principles which cannot be confounded with those of a later time.

The law, while fixed and stable, undergoes successive changes, due to the development of society and to the multiplication of business issues which vary from generation to generation. Mr. Dickson's career is a striking illustration of this. While Mr. McMurtrie and his contemporaries relied upon the law of Lord Tenterden, Chief Justice Gibson and Baron Parke, and upon the equity of Lord Eldon and Chief Justice Tilghman, Mr. Dickson, while thoroughly familiar with the older precedents, espoused and enforced in argument the law of Baron Bramwell, Lord Blackburn and Mr. Benjamin and the equity of Sir George Jessel, Lord Esher and Lord Cairns. His arguments in the Supreme Court of the United States are proofs of this, notably in *Norrington vs. Wright* (115 U. S. 188), and *Meehan vs. Valentine* (145 U. S. 611), in the first of

which he discussed the divisibility of a time contract to be met by instalment deliveries, and in the second, in which he sustained the more recent rule that participation in profits is presumptive but not conclusive proof of a partnership. In the same way his numerous engagements in the Federal Courts, and in the Supreme Court of Pennsylvania, illustrate the extent and the character of his devotion to the complex and varied questions arising out of railroad receiverships, coal carrying and mining contracts, and the various efforts at legislative restrictions upon vast combinations of capital, both corporate and individual.

In the law of receiverships he was both a creator and an expert, and his arguments here acquired a permanent value as illuminating a once darkened chamber of equity jurisprudence. His forensic work in the lower courts, both in the Common Pleas and the Orphans Court, were marked by the same excellence, thoroughness of preparation and clearness of presentation. While making no claim to eloquence or skill in cross examination, yet in assisting his colleagues in sifting and arranging evidence and in the preparation of briefs, he never overlooked a point or neglected a pertinent authority. Mr. Bullitt leaned heavily upon him in the Whitaker will case, a case as renowned in our annals as the famous Tichborne claim in England. And after Mr. Bullitt had gone and Mr. Dickson took the lead, his arguments were models of simplicity and strength, for he never imagined himself profound in proportion to the ability to make one's self obscure. Clearly do I see the shade of Samuel Dickson joining that majestic procession of venerable men ascending the empurpled heights which Virgil tells us belong to the immortals.

BIBLIOGRAPHY.

His address, entitled "Ten Days in Greece"; "The Methods of Legal Education;" "Powers and Procedure of the Legislature;" "George Sharswood;" "The Dedication of the New Law School Building;" the "Introductory Address," delivered by him as chancellor of the Law Association, upon the celebration of its Centennial in March, 1902, and his argument before the Anthracite Strike Commission, have been published and disclose a lasting basis for his fame.

HAMPTON L. CARSON.